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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takayuki DEMURA et al.

Group Art Unit: 3747

Application No.: 10/566,591

Examiner: J. HOANG

Filed: January 31, 2006

Docket No.: 126807

For: IGNITION TIMING CONTROLLER OF INTERNAL COMBUSTION ENGINE

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Claims 1-4 are pending in this application. In reply to the May 11, 2007 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

I. The §102(e) Rejection is Moot

Claims 1-4 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 7,159,565 to Demura et al. ('565 patent). This rejection is respectfully traversed.

Applicants respectfully submit that the '565 patent does not qualify as prior art, under any section of 35 U.S.C. §102. The '565 patent was not filed "by another." The inventorships of the '565 patent and this patent application are same. That is, both Takayuki Demura and Tetsuji Nagata are inventors of the '565 patent and this application. Thus, the '565 patent cannot be considered to be "by another," under §102(e).

Furthermore, this application is a national stage of PCT/JP2005/008088 filed April 21, 2005. The '565 patent was filed July 27, 2005. Thus, the priority date of this application